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Next 1 Page(s) In Document Exempt

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SECRET

7 JAN 1971

MEMORANDUM FOR: Deputy Director for Support

SUBJECT : Recision of []
(Regulations under E.O. 10450,
as amended, Relating to Security
Requirements for Employment)

25X1

1. This memorandum submits a recommendation for your approval. The recommendation is contained in paragraph 4.

2. In a memorandum to the Deputy Director for Support (Ref OGC 70-1660 dated 29 September 1970), the General Counsel recommended that [] be rescinded because he could not conceive of circumstances which would persuade the Agency to terminate under E.O. 10450 [] procedures rather than under []. He pointed out that the existence of [] and its procedural safeguards could jeopardize any litigation arising from a termination under another Agency regulation, if there are any security implications in such termination.

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3. Section 3(b) of E.O. 10450, as amended, reads as follows: "The head of any department or agency shall designate, or cause to be designated, any position within his department or agency, the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position". In compliance thereof the following paragraph was included in [] "All positions in

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the CIA occupied by staff employees are hereby designated sensitive within the meaning of Section 3(b) of E.O. 10450". When [] is rescinded, (coordination within the Agency leading to rescission is currently underway) the designation of sensitive positions should be restated. The General Counsel in his memorandum referred to above, suggests that a DDS memorandum could accomplish this.

4. It is recommended that you sign the attached memorandum designating all positions in CIA as sensitive. This would include not only positions occupied by staff employees but also detailees from other agencies, witting contract employees, consultants and summer-only positions.

[]

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Howard J. Osborn
Director of Security

Attachment

The recommendation contained in paragraph 4 is approved:

(signed) John W. Coffey

19 JAN 1977

John W. Coffey
Deputy Director
for Support

Date

Distribution:

Orig - Return to OS

2 - DDS, w/att Chrono, Subject

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21-0178
19 JAN 1971

MEMORANDUM FOR: Director of Security

**SUBJECT : Executive Order 10450,
as amended**

**All positions in the Central Intelligence
Agency are hereby designated sensitive positions
within the meaning of Section 3(b) of Executive
Order 10450, as amended.**


(signed) John W. Coffey

**John W. Coffey
Deputy Director
for Support**

SUBJECT: Executive Order 10450, as amended

ORIGINATOR:

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Howard J. Osborn
Director of Security

7 JAN 1971
Date


CONCURRENCE:

/s/Harry B. Fisher

Harry B. Fisher
Director of Personnel

14 JAN 1971
Date

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Office of General Counsel

14 JAN 1971
Date

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OGC 70-1660

29 SEP 1970

MEMORANDUM FOR: Deputy Director for Support

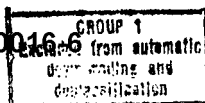
SUBJECT

: Recision of

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1. In the course of recent work on the surplus personnel regulation and the proposed Selection Out regulation (probably an amendment to) we have examined which is the regulation which implements Executive Order 10450. The Executive Order, which was first issued in 1953, implements the Act of August 26, 1950, by rendering that statute applicable to all agencies of the Government. The statute and Executive Order require that Government employees meet security standards, that security checks be run on applicants, and authorizes suspension and termination of employees who do not meet standards. Under the Order each agency shall maintain a program "to insure that the employment and retention" of employees is "clearly consistent with the interests of the national security." The Order also establishes certain procedures for terminations.

2. You will recall that, as a result of the case in the 1950's, the Director determined that terminations under E.O. 10450 would not be undertaken in the future. It is my understanding that none has been. Further, I do not conceive of circumstances which would persuade the Agency to terminate under E.O. 10450 and procedures rather than under . The existence of the regulation and its procedural safeguards could jeopardize any litigation arising from a termination under another Agency regulation if there is any security implications in such termination. It is my suggestion, therefore, that the regulation be rescinded. The authority of E.O. 10450 would remain available to us even after is rescinded.

SECRET

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25X1 3. E.O. 10450 of course applies to the Agency with or without the existence of [] Thus, we would be required to continue to maintain a security program. However, I am sure that even if E.O. 10450 did not exist we would continue to maintain security standards at least as strict as those required of us under E.O. 10450.

4. If the regulation is rescinded, there are two points which would require consideration and possible Agency action:

a. The Executive Order provides that all sensitive positions be filled by employees on whom a full-field investigation has been conducted, and [] designates all positions "occupied by Staff Employees" as sensitive positions. If the regulation is repealed, I assume we would want to accompany it with appropriate action to continue that designation for purposes of E.O. 10450. A DDS memorandum could accomplish this, or it may be the designation exists now in a document other than [] and would not be affected by the repeal of [] 25X1

25X1 25X1 b. The Executive Order authorizes suspensions and [] delegates authority for this purpose to the Director of Personnel. It might be well to provide authority elsewhere for the Director of Personnel to suspend. Perhaps his authority to suspend should not be limited to security cases.

5. We of course will be glad to work with the Director of Personnel and the Director of Security and other components on this. 25X1

[]
LAWRENCE R. HOUSTON
General Counsel

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